

**MINUTES  
OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY**

Tuesday, June 13, 2017 - 10:00 a.m.

Commission Chambers, 2380 Washington Blvd., Ogden, Utah

*In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Commission meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.*

**WEBER COUNTY COMMISSIONERS:** James Ebert, Kerry W. Gibson and Jim Harvey.

**OTHER STAFF PRESENT:** Ricky D. Hatch, County Clerk/Auditor, Bryan Baron, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

**A. WELCOME –** Chair Ebert

**B. MOMENT OF SILENCE**

**C. PLEDGE OF ALLEGIANCE –** Bryan Baron

**D. THOUGHT OF THE DAY –** Commissioner Harvey

**E. PRESENTATION ON THE WEBER COUNTY TREASURER'S OFFICE**

Shirley Robinson, of the Treasurer's Office, front counter supervisor, gave an overview of the front counter's duties. She expressed appreciation to work with John Bond, County Treasurer, a man of integrity and honor. Brenda Wheelwright, Chief Deputy, expressed appreciation for the Treasurer's staff and Mr. Bond, a great leader who cares about the county residents. The office collects funds for the county and property taxes. Mr. Bond expressed appreciation for his staff, other elected officials, and county employees. After traveling around the State, he believes that Weber County has created the best/most user-friendly tax website, and that title companies, financial institutions, etc., can transact business in this county more efficiently. This technology has allowed fewer staff in his office, which saves taxpayers about \$180,000/year and changing the tax notice has saved another \$30,000/year—significant savings over time. He appreciates helping to keep our county financially sound. For the first time, the county received a AAA bond rating on its General Obligation Fund. Weber County is one of 63 national counties that Fitch Ratings gave a AAA bond rating to, putting the county at the top 2%. The county's practices put it at a very strong financial foundation. Ms. Robinson, a very hard worker with a great attitude, was honored for the month with the Stall of Fame parking stall. The commissioners expressed appreciation for her exemplary work.

**F. CONSENT ITEMS:**

1. Ratify warrants #417541-417674 and #1096-1100 in the amount of \$949,468.60 dated June 6, 2017.
2. Warrants #417675-417859 and #1101-1102 in the amount of \$1,199,691.23 dated June 13, 2017.
3. Ratify purchase orders in the amount of \$43,128.01 dated June 6, 2017.
4. Purchase orders in the amount of \$321,879.55 dated June 13, 2017.
5. Minutes held on April 11, 2017 and May 30, 2017.
6. ACH payment to US Bank for \$140,694.16 for purchasing card transactions made through 5/25/2017.
7. New business licenses.
8. Surplus vehicles from the Weber County Fleet Department.
9. Approve Poll Workers for 2017 Special Election.
10. Retirement Agreement with Bruce C Thorpe.
11. Defer taxes on Parcel Number 04-061-0033 requested by the Weber County Tax Review Committee.
12. Final subdivision approval of The Ridge Townhomes PRUD Phase 3, including a Subdivision Improvement Agreement with the Financial Guarantee.

Commissioner Gibson moved to approve the consent items; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

**G. ACTION ITEMS:**

1. **CONTRACT WITH THE DICIO GROUP FOR PUBLIC RELATIONS, MARKETING AND COMMUNICATIONS CONSULTANT PROFESSIONAL SERVICES.**

Commissioner Harvey stated that a Request for Proposals was issued for this item. Seven companies submitted applications and a rigorous process ensued. A committee was selected that included persons with expertise in this area, including community members. After two rounds of interviews, The Dicio Group was selected. Commissioner Gibson noted that these services had been handled in the past mainly

by a full-time county employee. The last employee has been focusing more recently on economic development efforts.

Commissioner Harvey moved to approve the contract with The Dicio Group for public relations, marketing and communications consultant professional services with the approval of the Clerk/Auditor's Office; Commissioner Gibson seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

**2. RATIFICATION OF THE 2017 WEBER COUNTY TAX SALE.**

Roger Brunner, of the County Clerk/Auditor's Office, reported on the 5/25/2017 tax sale. The final tax sale list had nine parcels and he requested that all nine properties be ratified.

Commissioner Gibson moved to ratify the 2017 county tax sale; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

**3. CONTRACT WITH DANIEL SIMONS TO BE THE PROJECTIONS DESIGNER/MASTER CARPENTER FOR WEBER COUNTY'S OGDEN MUSICAL THEATER PRODUCTION TEAM.**

Kassi Bybee, Ogden Eccles Conference Center General Manager, presented this contract.

Commissioner Harvey moved to approve the contract with Daniel Simons to be the projections designer/master carpenter for Weber County's Ogden Musical Theater Production Team; Commissioner Gibson seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

**4. RESOLUTION APPOINTING MEMBERS TO EDEN PARK SERVICE AREA BOARD. RESOLUTION 18-2017**

Stacy Skeen, of the Commission Office, noted that there were three vacancies. Three applications were received from members previously serving.

Commissioner Gibson moved to adopt Resolution 18-2017 reappointing Nedra Peterson, Maureen Peterson and Brent Christensen to the Eden Park Service Area Board; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

**5. FIRST READING OF FEE ORDINANCE AMENDMENTS RELATING TO THE WEBER COUNTY COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT FOR SOLID WASTE DIVISION & FOR TAX SALE PROPERTY SALES.**

Sean Wilkinson, County Community and Economic Development Director, stated that these fees are in line with what has been approved by WACOG members. The only change to the Solid Waste fees is that the items under the Recycling Center should say "N/A" because currently the Transfer Station is not accepting recyclables. There is also the addition of a \$100 administrative fee when the county disposes of real property struck off to the county at tax sale (allowed under State law but was not in county code).

Commissioner Gibson moved to approve the first reading of fee ordinance amendments relating to the Weber County Community and Economic Development Department for the Solid Waste Division and for tax sale property sales; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

**6. RATIFICATION OF ADDENDUM TO AGREEMENT BY/BETWEEN OGDEN CITY, WEBER COUNTY, & WEBER COUNTY LIBRARY BOARD THAT PROVIDES ADDITIONAL LAND TO COUNTY FOR PARKING LOT EXPANSION AT MAIN LIBRARY.**

Lynnda Wangsgard, County Library Director, presented the addendum to the 9/1/1966 agreement wherein the City leased to the county a portion of Lester Park for construction/operation/replacement/maintenance of a public library. This addendum only amends the description of the land leased to the county in the agreement in order include the additional property necessary to add 29 parking stalls on the north side of the existing lot. Lease of this additional property for the intended purpose has been approved by City officials, including the Planning Commission, City Council, and Mayor. The original agreement stated that the Library, together with its parking, shall reasonably blend with the balance of the park so that not only an attractive condition will result but there will be no physical barriers between the Library property and the park. Thus, the Library Board instructed the architect for the Main Library renovation to include a seamless integration of the new renovation site plan with Lester Park environs. However, these instructions cannot currently be carried out because final plans to revitalize Lester Park have not yet been approved by the City. Making a seamless integration with a yet unknown Park design is not possible.

The County Surveyor prepared the legal description of the land to be leased to the county, which will now encompass the original land made available and the additional property needed for parking. The county Attorney's Office prepared this amendment, approved by the Library Board on 6/6/2017.

In order to avoid delaying progress on the Main Library renovation, the City Planning Commission approved the Library site plan, including the additional parking, with the stipulation that the county transfer to the City the funding set aside in the contract with Wadman Corporation for work to be done in the Park to blend the two projects. In turn, the City will take responsibility for the integration of the two sites when the Park is reinvented. A check for \$148,800 will be delivered to the City when this Amendment is signed by the Mayor. Chair Ebert stated that this has been a long process and referred to the tremendous amount of work done by Ms. Wangsgard, and he thanked her.

Commissioner Harvey moved to ratify the Addendum to the Agreement by/between Ogden City, Weber County, and the Weber County Library Board that provides additional land to the county for parking lot expansion at the Main Library; Commissioner Gibson seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

**7. ORDINANCE REPEALING CHAPTER 10 OF TITLE 2, TECHNICAL REQUIREMENTS FOR SURVEYS. ORDINANCE 2017-21**

Bryan Baron, Deputy County Attorney, stated that on 3/2017 the Commission adopted an ordinance adding Title 45 to county code that included new requirements for surveys and survey monuments. This is to repeal Chapter 10 of Title 2, the old requirements for surveys.

Commissioner Gibson moved to adopt Ordinance 2017-21 repealing Chapter 10 of Title 2, Technical Requirements for Surveys; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

**8. FIRST READING OF A COUNTY ORDINANCE AMENDING CERTAIN FEES TO THE WEBER COUNTY FEE ORDINANCE REGARDING NEW OVERNIGHT WATERCRAFT PERMITS FOR PINEVIEW RESERVOIR.**

Bryan Baron, Deputy County Attorney, noted that this simply amends the fee ordinance to correspond with the changes made to the overnight watercraft ordinance adopted two weeks ago. It indicates that the fee for a single night permit is \$15 and the fee for an annual permit is \$130.

Commissioner Harvey moved to approve the first reading of an ordinance of Weber County amending certain fees to the Weber County Fee Ordinance regarding new overnight watercraft permits for Pineview Reservoir; Commissioner Gibson seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

**H. PUBLIC HEARING**

1.

Commissioner Gibson moved to adjourn the public meeting and convene the public hearing; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

2. Public hearing to discuss/decide on the proposed resolutions affecting the following Cities:

- a. Resolution recommending annexation of certain parcels within certain unincorporated islands into Riverdale.
- b. Resolution recommending annexation of certain parcels within certain unincorporated islands into Harrisville.
- c. Resolution recommending annexation of certain parcels within certain unincorporated islands into Uintah.
- d. Resolution recommending the annexation of certain parcels within certain unincorporated islands into North Ogden.
- e. Resolution recommending annexation of certain parcels within certain unincorporated islands into Roy.
- f. Resolution recommending annexation of certain parcels within certain unincorporated islands into Ogden.

Charles Ewert, of the County Planning Division, stated that this item relates to potential annexation of unincorporated islands within different municipalities. The criteria used for these recommendations were focused on the language “urban development” and properties likely to annex through the urban development process were excluded from these recommendations. Urban development process signifies

15 dwelling units or more at a density of one acre or smaller lot sizes or \$750,000 in commercial/industrial development.

Senate Bill 140, sponsored by Senator Buxton and passed last year, gave cities an additional option for annexation, and the County Commission is to offer its recommendations. The county currently provides a number of services to those islands and the cities also provide a few. The Bill's intent is to designate the municipality or unincorporated county that can most efficiently/equitably serve those islands. The Commission is required to make these findings for each recommendation: 1) that the area to be annexed can be more efficiently served by the municipality than by the county; 2) that the area to be annexed is not likely to naturally be annexed by the municipality in the future as a result of urban development; 3) that annexation of the area is likely to facilitate consolidation of overlapping functions of local government; and 4) that annexation of the area is likely to result in an equitable distribution of community resources and obligations.

Mr. Ewert had met with some cities and property owners and 409 notices were mailed about this hearing. There were 29 islands specifically being discussed. He showed a slide presentation and maps of them:

<i>Riverdale</i> -11 parcels, 1 island	<i>N. Ogden</i> -62 parcels, 12 islands
<i>Harrisville</i> -4 parcels, 2 islands	<i>Roy</i> -188 4 parcels, 6 islands
<i>Uintah</i> -4 parcels, 2 islands	<i>Ogden</i> -105 parcels, 6 islands

The parcels were reviewed as narrowly as possible. Provided services extend beyond utility services, including police, fire, emergency services, street use/maintenance/operations, snow removal, planning and development services, engineering, culinary waste water utilities, and solid waste disposal. There are a number of islands where people have to drive on municipal streets to get to their homes; even smaller islands use adjacent cities' municipal services to some degree. Services criteria for the Commission to address includes whether it is expedient for a county snowplow driver to drive a few miles through a number of cities to get to an island. The road in front of a house may already be plowed by the adjacent city, and if it is fair for those residents not to be paying the taxes for that sort of service.

Two primary concerns surfaced from the many calls that Mr. Ewert received: taxes and land use controls. A number of people expressed anxiety over the county vs. the cities' zoning requirements. He spoke with Roy and N. Ogden City leaders to try keeping these properties from having non-conforming issues, which fall under the Law of Non-Conforming Rights.

Commissioner Harvey spoke of property rights and stated that the Commission is only making recommendations to the cities based on the Senate Bill and Commissioner Gibson concurred. He stated that the topic of unincorporated islands within cities has been in discussion among WACOG for many, many years. The broader topic of these islands is that it creates tremendous difficulties regarding services between municipal and county governments, and good government has to be prudent.

3. Public comments (Most unincorporated residents have been long time residents at their current address):

Jon Grove (Roy resident for 31 years) said that this is one of the most egregious things to happen to Roy citizens. He referred to Commissioner Gibson's comment that the county is not pushing this and stated that he was very upset. The Commission was not just making recommendations but had created SB 140. Senator Buxton had told him in the last week that the county approached him about this law change. He said that the county approached Roy City's manager, who did not want any part of it because the city knows how everyone there feels about it. Annexation has been tried three times since he moved in and a former commissioner helped them so that residents were not annexed without their consent. He built his home in the county when Roy was to the east and over the years Roy started gobbling up area and surrounded the residents, who have gone through blood, sweat and tears because they do not want to be part of Roy City. People have moved from Roy to the islands because of Roy's heavy handed regulations. There was a law in place and people had a right to protest by popular vote prior to this Bill. They could have easily obtained 95% of the unincorporated areas of Roy to sign the petitions. He receives no services from Roy.

John Ernst (Riverdale resident for 27 years) said he has no qualms with annexation into Riverdale as long as his property valuation is done correctly; it is landlocked and cannot be improved. He encouraged the Commission to do all they can to allow Canine Country Club, involved in this issue, to remain in business and not have to close due to new taxes, business licenses, new requirements, etc.

Lyman Barker has two parcels next to the trout farm (N. Ogden) in this issue that are part of his larger parcel and there is no reason for them to be put into the city. There is no service provided by the county. He does not understand why a small piece of his property would be put into the city and there are no fences there.

Mr. Ewert stated that they are smaller parcels divided up by the city-owned right-of-way and will not support urban development in the annexation code. The larger parcel is prime for future urban development. Commissioner Gibson stated that different parcel numbers may actually be part of the same farm/field. Chair Ebert asked Mr. Ewert to have follow-up discussion with Mr. Barker.

Edward Weakland said he was adamant about not wanting to annex into Roy for several reasons. He receives no services from Roy. The only street he travels on is 4000 S. At Tuesday's Roy City Council meeting the residents were told they would be grandfathered in, as long as they met Roy's codes. He asked how they can have it both ways and said that this is what the residents are afraid of. His adjacent neighbor was denied a business license by Roy because the road is not paved or 60 ft. wide. That neighbor was doing a million dollar/year business with the Air Force and is now out of business. Commissioner Harvey wants to ensure that people's livelihoods are protected and that zoning was not changed to adversely affect them. Mr. Ewert said that city rules prevail and there is legislative authority to make some rules, however, non-conforming rights will prevail over many newly applied city rules, as codified in State Code. He read the recommendation language in the proposed annexation resolutions to each city whereby Weber County "strongly recommended that the city adopt land use regulations that are consistent with current county regulations or resolve land use conflicts between existing county regulations and city regulations in favor of the landowners' property rights." Chair Ebert noted that residents would be grandfathered under what they currently have. Commissioner Gibson referred to the inferences that the county had broken trust and pushed this issue forward and reiterated that discussion on this issue had been happening in Utah for a long time among all governments, due to its many challenges.

John Francis has owned a building at 1505 W. 3200 S. for 10 years that is on a septic system and he does not have objections to annexing to Ogden City; it will simply happen, but right now it will be financially catastrophic for him (possible city hookups, impact fees, annexation fees and rezoning—between \$11,000-\$17,000 just for sewer lateral hookup). He read the city's ordinance relating to sewer and penalties, which includes that it is unlawful for an owner of any dwelling/building to allow the use of such for human occupation without providing toilet facilities as required.

Lane Zogg, was representing a business in West Haven consisting of 3 parcels. He said that typically this is about bringing in more revenue for the city. They do not want their property taxes to increase.

Robert Chris, Human Resource Manager for Jetway Systems, said that they currently employ over 450 employees at the Ogden facility, which sits on 10-20 acre property. He had asked Ogden City's Planning Manager what services, etc., would they obtain and, beyond tax increases, not a lot. Jetway handles its own septic system and other services, and has not needed police. For every tax dollar he has to create \$15 of income to offset that \$1 of tax, and he spoke of damaging impacts to his business with actual taxes and market downturns. He asked the Commission to consider the unintended consequences that have been mentioned by others and to recognize that making these recommendations will have consequences that go far beyond the Commission's purview. He asked for consideration in being left out of that recommendation.

Colleen Richardson (Roy resident for 38.6 years) said that they are very upset about the annexation proposal and cannot see any reason for them to be in Roy. They have fowl and have had no problems with the county. The only thing that Roy can do is increase their taxes. She spoke of Roy's stringent regulations and not having any rights with them. They want to stay in the county.

Thomas Harper (Midland Dr. resident for 44 years) receives no services from Roy or county other than fire/medical/police. UDOT plows the road. They do not like some of the city's regulations, i.e., fire permits and animals, which he said are huge issues for everyone there. Last year Roy tried to incorporate the islands and 80% wrote a letter in opposition, and he asked what happened to that and what they needed to do not to be annexed. He sees no reason to annex into the city and will lose benefits by doing so. Chair Ebert referred to the county-wide perspective with islands all over the county and how it can provide the best services with the limited funds and resources; it is a challenge. A simple management strategy would be to have all the services in one specific area. The Commission is taking input from the residents, no decision had been made, and there

was no collusion. They are trying to balance this with the other 250,000 county residents to be fiscally responsible in providing services. Commissioner Gibson asked if there was need for police at his home who would respond and Mr. Harper said that it would be the Sheriff but Roy generally beats them; they have a police station very close, same for fire services. Commissioner Gibson said that in many cases services are being provided on the backs of city taxpayers. Mr. Harper does not generally use those services.

Eileen More (N. Ogden resident for 33 years) said that they moved there because the State took their barn in Farr West for the I-15 corridor. They were so happy in their current area. Horses are their life and they have just retired. They are one of the few remaining with large animals but under the city's rules if they go to St. George to be with family for six months and ride their horses, they cannot bring them back. She worked for 33 years to have her retirement and enjoy her horses. They have septic tank and to hook to sewer, they would have to go through two neighbors' properties at an exorbitant expense. She currently pays double for her garbage services and stated that reciprocal agreements should not mean double charges. She asked the Commission to consider those who have spent lifetimes with these properties as they are getting older. Their current property value is horse property but when they die, their children will lose half of the value because they are not grandfathered in. Per city rules, the animals must be on the property continuously. Mr. Ewert said that current horse property runs with the land and should continue according to State regulations and there is a one year abandonment. A city cannot adopt a more restrictive non-conforming rights rule than that listed in state code.

Gloria Sveum (Roy resident for 37 years) said that last fall the Lakeview Equestrian Park, gathered about 85%-90% of residents signature who did not want to annex into Roy. They enjoy living in the county and appreciate the services it has provided all those years. They are retired and paying an additional city property tax will be a financial burden. Additionally, they would like to have animals on their property and ride the horses. She is a lot more impressed with how the commissioners listen to the people and the county's services. She thanked them stating that she and their neighbors want to remain in the county.

Cathy Lykins (Roy resident for 40+ years) agreed with Ms. Sveum's comments. They have a lot of things from the county and appreciate it. She referred to Senator Buxton's call to Commissioner Harvey last Monday when the Senator was in their neighborhood meeting. She said that Senator Buxton had acted like he did not really know the bill that he had signed. He had told Commissioner Harvey he could not be here today but had given several points that those residents agreed on. She had a binder full of annexation protesting letters to the city. They want to remain with the county.

Max Barker (N. Ogden resident for 63 years) said that for all these years the city has been encroaching on them and wanting them to annex. He agreed with what had already been said. They city doesn't have anything they want. They all have their own services (wells, sewer, dumpster, police). The fire department is contracted to provide services. To annex means higher taxes; they do not want to annex. He asked why his little area of land is proposed to be annexed, and who would pay for rezoning into the city for those being forced in. Chair Ebert said that at this point it appears it would be the city.

Roger Bovee (Roy resident for 10+ years) said that with everything they went through last fall with the annexation issues, he was asking that the county back off for a while and give them a break, and a chance to regain their own selves. He is not looking for services (i.e., snowplowing, recreation—which increase taxes).

Ed Sarver (Ogden resident for 35 years) said that he had a horse operation for a number of years. They have their own services (well, sewer). He talked with the city in the past about providing water but the city was not interested. Then they changed their minds, he drew up the plans and it cost \$30,000. Then the city would not approve the work and his cost doubled. They are happy with the county.

Todd Potter (Roy resident for 30+ years) said that initially they had a well and septic and talked with the city about annexing but the city did not want to provide water. They had to put in their own line and fire hydrants. Water and sewer is still not available to them. The closest fire station to them is the county's and medical would probably come from the county. He has seen both UDOT and Roy plow his road. They have had a lot of issues with Roy. People have lost their business because Roy would not give them a license. The county works with the residents. He does not want to be forced into Roy and wants to remain with the county.

Sharrie Anderson (of Ogden) said that her properties have been slated for the I-15 new off-ramp. She had spoken with Ogden City before and they unequivocally told her that if they go to the city the houses will not be on septic that they will have to go to sewer, a very costly project.

Robert Anderson asked if Senator Buxton was present. Commissioner Gibson said no but that he had given a statement to be read into the record. Mr. Anderson said that the city is a big bully and is nothing like the county. He spoke of the huge water issues with the city and the tremendous impact fees, sewer connection fees, and others. He asked what the county's projected revenue loss was for its property taxes. He said that if a child goes to the city schools from the county schools they lose \$3-4/day/student.

Neal Barker, owner of the Cold Springs Trout Farm (N. Ogden), one of the longest surviving trout farms in Utah, thanked the county for its past support. There are unique circumstances with the farm and there are benefits by staying with the county that they would not receive with the city. He asked who would pay for annexing into the county—their property is so far back in that it is a long distance to bring in water/sewer and currently they have wells and septic tank. Chair Ebert responded that at this time that is unknown. Mr. Barker's fee just to certify to sell the fish went from \$500/year 20 years ago to about \$10,000 last year and it is expected to increase another soon. That, coupled with the city's fees and the related costs of annexing, would be a dramatic increase. This would eventually put them out of business. Mr. Barker expressed concerns with honoring their property rights/grandfathering. He has dealt with government for a long time and, as soon as elected officials move or terms expire, those things seems to be forgotten. They used to have horses but may lose that option under the city. It is easy to get an agriculture building through the county but that would also change. He spoke of the problems for his fish with raccoons and birds; they discharge firearms to scare them away but this is illegal by the city, and they could not stay in business.

Tarah Barker stated that the fish farm has been in the family for almost 100 years. She and her sister would be the next generation to run it, but the grandfather clause does not apply as soon as ownership changes. They applied for a conditional use permit through the county in the past year to help them grow the business but are concerned because they have not completed it. She asked if that would still be an option if they are annexed and if they could have it in writing to receive the current benefits, or be assessed only for the service that they will need (emergency services). Mr. Ewert read from State Code 10-9a-511-1(a)—except as provided in this section a non-conforming use/structure may be continued by the present/future property owner. He said that it would be advantageous to have the CUP executed before the proposed annexation.

Jacqueline Thompson (of Roy) brought the binder with the 172 letters of protest filed with the city, which she said is a very large majority that does not want to be annexed. The city attempted annexation of their island last fall. The mayor and council are very aware of their concerns. The county is much more forthcoming than the city has been. They were told opposite things by the city, which does have their best interest. With the number of people and concerns with future property use, and the impacts to current businesses on those islands, she said that the residents were asking the Commission to consider not making a recommendation for these areas of Roy, which is not ready to address the concerns as proved in October. Their taxes will increase, Roy will not be able to service them any better than the county, and all that Roy has told them is how they will use their tax dollars. Many neighbors could not come this morning because of work and she spoke on their behalf. Many people buy homes planning for their future. The city said that a use is grandfathered in if it is currently in use but people bought their horse properties with intent for future use for their children. They would have to make that happen now, which is a huge financial burden because this is being forced upon them. The law change takes away the peoples' right to have a say in what happens to their property.

Lewis Barker, N. Ogden resident, said that his property is not on the proposed list. However, if the annexation goes through he will no longer be able to harvest the deer population on several of the proposed properties. Deer eat his garden. He asked that the Commission recommend that the properties not be annexed unless a majority request annexation.

John Barker (of N. Ogden) stated that his lifetime goal is to be a farmer. His parcel is not very large and he worries about fees. His family's budget is extremely tight. If this annexation goes through he may have to sell his property. He asked the Commission to put themselves in their shoes when making the recommendations.

Scott Christiansen, is the Manager for Hooper Water Improvement District, which started in the 1960's. Roy annexed around these properties that continued to receive service from the District. They are concerned that



Roy may want to service them with water and with the infrastructure the District has invested in. Last year the District took out a loan for \$5 million and plan to invest another \$3 million into a treatment facility.

Shauna Thomas (Roy resident for 27 years) stated that her parcel is horse property. Three homes would be impacted by this proposal. They lease 4 acres from Jordan Valley Water. Last fall in a public forum at the High School, Andy Blackburn, of Roy, responded to her that every year they would have to write up how many horses and steers they have, what their intent is for them, how many trailers and trucks they have. It is clear to the residents that Roy needs to be educated on the grandfathering clause and they are frustrated. Roy has done the bare minimum to inform them of their intent. They appreciate the county immensely for sending the letters. She has deep concerns about trying to work with Roy City Council.

Gary Kapp, of West Point, has a business in the Industrial Park, which hooked up to Ogden City for water for fire protection. He has two rental homes on 3300 S. and has no issue with removing that island. He does not want to spend a lot of money with city hook-up fees. He is the Hooper Water Improvement chair. The board is very concerned because of the money they borrowed to serve the many residents in different unincorporated areas. The District depends on that revenue.

Gordon Barrow represented his mother-in-law who could not be present. She was concerned with grandfathering, the higher Roy taxes, and the issues with producing hay and having animals.

Elden Rink (of Roy), attend Roy's annexation meeting last fall and felt that the residents are being coerced into this annexation. About 80% of property owners did not want to annex. They made their views very clear in October. He checked with realtors and if annexed, their property values will probably decrease. People that live in the islands are very proud of their areas.

Ray Ward (20 year N. Ogden resident) stated that great comments had been heard today and asked the Commission to consider them. The city charges him for water, garbage and sewer. He suggested unifying the emergency services. He made an investment all those years ago to have open future options under which he purchased the property. He has options with the county and wishes to remain with the county. Property development should develop on its own time. The encroachments have come to the residents who should not have to make the sacrifices.

Chris Lewis (26 year Roy resident) stated that Roy developed all around them for the past 26 years. When they called the county for non/emergency services, it was handled in a swift/professional manner. Occasionally cities have to respond in an emergency situation and she asked why Commissioner Gibson feels this causes major problems for both the city and county as stated in the newspaper. She said it is misleading to say that those in the unincorporated areas are using Roy services that they are not paying for. It has become more obvious that the county is no longer willing to provide those services to them that they have paid for. They are being forced against their will, which is another heavy hand of government. Nearly 80% of homeowners in unincorporated Roy do not want this.

David Klingenberg (Roy resident & disabled vet) carefully researched for his lot because it was not in a city. Roy was the least favorable as far as its draconian policies for residents and businesses. He is very displeased about this annexation proposal. There will be significant associated costs, and it is not very clear in the new statute who would have to pay the various city fees. The law is poorly written. There will be higher taxes. His budget is super tight and he has no money to pay for this. Industrial users are not grandfathered in. The county is much better to work with. This is the only chance residents have for input as the city will completely ignore their concerns. He would pay a little more for county services. Bryan Baron, Deputy County Attorney, read from State code 10-2-418 that municipalities are required to hold a public hearing.

Jay Barker (N. Ogden resident) stated that his home is in the city and they already pay city taxes and services, 1/3 of his property is in the county and he has no objection to annexation. He grew up at the trout farm. When he owned it, he put it in greenbelt. They have been with the county for many years. He has had to eliminate some big birds and raccoons that eat the fish. If they have to annex, they cannot stay in business because they cannot protect their property. He would like the Commission to reconsider and not to force them into the city. He pointed out that farmers are having a difficult time.

Laura Hunt (N. Ogden resident) stated that she has known for a long time that the city wants to annex her property that she opposes it but feels there is little she can do. Commissioner Gibson addressed her question about when this can take place stating that the Commission makes a recommendation but then it is up to the city. She asked the Commission to consider the businesses because annexation would put them out of business.

Lamar Holt, (Roy 33-year resident), stated that enough property owners have requested the Commission to not recommend annexation. He encouraged them to say no to the proposed resolutions—just because the law is there now does not mean it needs to happen now. Within the last 20 years many of these people completely filled the ballroom at the former temporary county offices to speak against city services to be provided in the unincorporated area. It has become a meaningful compromise of city/county services and the Interlocal agreements have worked well.

Norm Longhurst, 20-year resident, said that it makes sense that Harrisville provide the services for their family.

Lorell Fawson (N. Ogden resident) stated that a 10 ft.-15 ft. wide piece of his property goes around the fish farm property and asked why that little piece would be included in North Ogden. Commissioner Gibson said that the proposal would not affect greenbelt status.

Charles Randall (N. Ogden resident) asked who would pay for curb and gutter at the corner of 2100 & Fruitland Dr. if annexation goes through, but some annexation details are not yet known.

Blair Henderson, (Roy 6-month resident) stated that their family was very excited to find property in the unincorporated area. They had planned to have animals in the future and are not now in the financial position to do so as many other families. They would like to stay with the county.

Frances Shaffer (20+ year resident at 1553 N. Washington Blvd.) asked if annexation is certain and Chair Ebert stated that no decision had been made by the county. Public input is being taken and the Commission is in the process of considering its recommendations to municipalities regarding current unincorporated islands that meet specific SB 140 criteria. The municipalities will then make their decisions. Not too long ago she had her property surveyed and it was 16 ft. short which apparently occurred when the highway came through. She was told she had an illegal sized lot, which was a total surprise to her. If her home burned down she would not be able to rebuild. She wanted to know how to correct that. Staff will help Ms. Shaffer.

Chair Ebert noted that some felt that their municipalities would not provide them with the same level of service or freedoms that they wanted to exercise on their property. He referred to the many unincorporated islands within the county, when is stretched so thinly on its current services from one end of the county to the other. In many cases, municipality could better serve them. The county is trying to resolve issues that have been ongoing for 30+ years in many of these areas, which will continue if something is not done.

Reid Wiberg (of Roy) said that his neighborhood held a meeting. Senator Buxton was present and promised that he would meet with the commissioners and would draft a letter which he would give to an individual to read at today's hearing. He said that for many, by being put them into these municipalities, the results would be serious concerns. It would be like throwing them to the wolves because they are on record with their desires. There has been talk of things like grandfathering but what cities may or may not do may end up differently. His understanding was that the Senator felt that his Bill should be changed to allow people to be heard. He asked if anyone had that letter. Jon Grove said that the Senator spoke with 60-70 people that night and was disturbed about what he sponsored and had offered to write a letter and give it to him to read but he did not receive it. Commissioner Gibson said that the Commission had copies of the letter.

4.

Commissioner Gibson moved to adjourn the public hearing and reconvene the public meeting; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

#### 5. ACTION ON PUBLIC HEARING: H.2. - PROPOSED RESOLUTIONS AFFECTING THE SIX CITIES

The commissioners stated that they had heard the concerns expressed today, had learned additional things, new issues came to light, and that this is a difficult issue. There were some unanswered questions, and they needed more time to study the issues. Their responsibility is to look at each individual circumstance and

make the best recommendation. As commissioners they also understand the need to slow, stop, or reverse unnecessary taxation on the Weber County property owners. Having islands is a poor way to do business. There are logistical challenges and other problems with islands. Commissioner Harvey lives in the unincorporated county. He is concerned with additional tax burdens on property owners and believes that cities need to listen to their constituents because there are several compelling arguments. Commissioner Gibson stated that Mr. Ewert had done a tremendous job of dealing with the vast amounts of information, the many property owners, elected officials and city managers. Chair Ebert noted the need to work with individual property owners to find the best find resolution—how to provide the best services to residents, mitigate subsidizing, maintain property rights and keep their businesses, work with surrounding municipalities with varying regulations. He recognizes the concern with the lack of an appeals process. He felt that Senator Buxton’s letter should not be read because he had not heard all the dialogue and his views could have changed and should have opportunity to present them. Commissioner Gibson agreed, unless they intended to make a decision today then the letter should be read. He recommended continuing in reviewing these proposals and what recommendations should be made to the cities.

**I. PUBLIC COMMENTS:**

David Klingenberg was impressed with Weber County and appreciates being informed about this item. He thanked the commissioners.

Cheryl Grove (of Roy) said she respected Commissioner Harvey’s comments today. She wanted to hear Senator Buxton’s letter because he had made it so obvious to the 60 people at the meeting that he had changed his mind and felt totally different once he heard their concerns.

Cathy Lykins (of Roy) thanked the commissioners for respectfully listening to them. She asked if there could be another meeting with Senator Buxton at the Commission because that would be beneficial.

Mark Stratford said that Senator Buxton asked him to read the letter dated June 8, 2017 into public record. Mr. Stratford initially had concerns whether the Senator would have something different to say than what the letter stated but under the circumstances he wanted to read it and following is a summary: In many cases unincorporated islands represent past land use conditions that when developed were on the edge of or just beyond incorporated areas when it was reasonable for development to occur in the county because these properties represented the frontier of growth. However, once development moves past the frontier and becomes engulfed on all sides by the cities this change in circumstances should not be ignored and becomes increasingly difficult to justify remaining a part of unincorporated county. The Senator was invited to attend an unincorporated Roy neighborhood meeting on 6/5/2017. There were about 40 people in attendance who were adamantly opposed to annexation. He was disappointed he was not told in advance about the meeting so he could have been better prepared to address concerns. He was impressed that they had legitimate concerns of how annexation may affect their property but felt that the meeting was based largely on emotion rather than fact. He investigated the major concerns and concluded that residents of unincorporated islands need to be treated fairly under the law but also that a small group of people should not unilaterally block the needs of the larger community when those concerns have been adequately addressed. The two most significant concerns he heard focused on increased taxes and inability to use their property in the future as they currently do. In many cases there will be an annual property tax increase. They have been receiving a kind of subsidy by remaining unincorporated such as driving home on streets maintained by cities, receiving city public safety protection, and other city services. Despite Interlocal Agreements, these residents pay less for the same level of services than their next door neighbors and this leads to their resentment. It is important to account for costs to the county and cities resulting from the inefficient services that may result from continued individual islands. He has great confidence that the law ensures the protection of existing property use rights if they are annexed. People making legal use of their property under county ordinance are entitled to maintain that use in the cities as long as they actively continue the use—Nonconforming Right, Utah Code 10-9a-511. Annexation recommendations should be based on the interest of the entire community, giving full consideration to individual circumstances, and does not mean that city officials should antagonize property owners by ignoring their legitimate concerns. Through this process, his opinion has been reinforced of the need to address the impacts created as these islands have become increasingly isolated.

**J. ADJOURN**

Commissioner Harvey moved to adjourn at 2:26 p.m.; Commissioner Gibson seconded.  
Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

Attest:

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James Ebert, Chair  
Weber County Commission

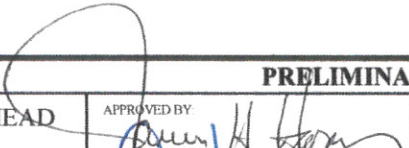


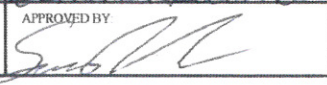
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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor

## WEBER COUNTY SUMMARY CONTRACT SHEET

CONTRACT NO. 5170030

The Originating Department and Preliminary Approval Sections must be completed BEFORE submitting contract for the agenda.

<b>ORIGINATING DEPARTMENT</b>			
<b>TYPE OF CONTRACT:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Change Order to Contract #			
<b>CONTRACTOR/VENDOR:</b> <u>The Dicio Group</u>			
Address: <u>10 West 100 South, Salt Lake City, UT 84101</u>			
Phone: <u>801-719-1575</u> Contact Person: <u>Sasha Clark</u>			
W-9 Attached <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Email: <u>sasha@thediciogroup.com</u>			
<b>CONTRACT TITLE:</b> <u>Agreement for Public Relations, Marketing and Communications Consultant Professional Services</u>			
<b>PURPOSE:</b> To provide _____ marketing and communications services for Weber County.			
<b># OF ORIGINALS ENCLOSED:</b> at least 2 or 1/entity: <u>2</u>		<b>ALL ATTACHMENTS INCLUDED:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>EFFECTIVE DATE:</b> <u>June 1, 2017</u>		<b>TERMINATION DATE:</b> <u>June 1, 2018</u>	
<b>ORG:</b> <u>10300000</u>	<b>OBJECT:</b> <u>620000</u>	<b>PROJECT:</b> _____	
<b>AMOUNT BY YEAR:</b> \$ <u>up to \$94,500 / 785<sup>00</sup> month</u>		<input type="checkbox"/> Revenue <input checked="" type="checkbox"/> Expenditures	<input type="checkbox"/> One-Time <input checked="" type="checkbox"/> Ongoing
<b>COMMISSION PRESENTER + PHONE #:</b> <u>Commissioner Jim Harvey x8588</u>			
<b>SPECIAL INSTRUCTIONS/COMMENTS:</b>			
<b>PRELIMINARY APPROVALS</b>			
<b>DEPARTMENT HEAD</b>	APPROVED BY: 	DATE APPROVED: <u>15 Jun 2017</u>	<b>RECOMMENDED</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<b>COUNTY ATTORNEY</b>	APPROVED BY: 	DATE APPROVED: <u>15 Jun 2017</u>	<b>REVISIONS NECESSARY</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>PURCHASING:</b>	APPROVED BY: 	DATE APPROVED: <u>6-1-17</u>	<b>COMPLIES W/ PURCHASING POLICIES</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<b>COMPTROLLER:</b>	APPROVED BY: 	DATE APPROVED: <u>6/14/17</u>	<b>BUDGET AVAILABLE:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<b>COMMENTS:</b>			
<b>COUNTY COMMISSION APPROVAL</b>			
<b>COMMISSION APPROVAL:</b> _____			<b>DATE APPROVED:</b> <u>6-13-2017</u>
<b>VOTING RECORD:</b> Ebert <input checked="" type="checkbox"/> Gibson <input checked="" type="checkbox"/> Harvey <input checked="" type="checkbox"/>			
<b>COMMENTS:</b>			
<b>RETURN AN ORIGINAL CONTRACT TO THE CLERK/AUDITOR'S OFFICE AFTER ALL SIGNATURES HAVE BEEN OBTAINED</b>			

6-13-2017

**AGREEMENT FOR PUBLIC RELATIONS, MARKETING AND  
COMMUNICATIONS CONSULTANT PROFESSIONAL SERVICES**

This Agreement is made and entered into by and between Weber County, a body politic and corporate and political subdivision of the State of Utah ("County"), and The Dicio Group ("Consultant"), with its principle place of business located at 10 West 100 South #611, Salt Lake City, UT 84101.

**RECITALS**

**WHEREAS**, County previously issued a Request for Proposals ("RFP") relating to public relations, marketing and communications services; and

**WHEREAS**, after reviewing the proposals submitted by various firms to the County, County has chosen Consultant to provide such services upon the terms and conditions contained herein; and

**WHEREAS**, County and Consultant have determined that this Agreement is mutually beneficial to both;

**NOW THEREFORE**, in consideration of the mutual covenants contained herein, it is hereby mutually agreed by and between the parties as follows:

**SECTION ONE  
SCOPE OF SERVICES**

- 1.1 Consultant shall provide all services specified in its Response to County's RFP, a copy of which is attached hereto and made a part hereof.
- 1.2 Consultant shall complete the work specified in the following provisions of its proposal:
  - Scope
  - Objectives
  - Project Approach
  - Project Organization
  - Project Work Plan
  - Key Dates and Deliverables

The above referenced provisions shall be completed as more fully specified in the Consultant's Response to the RFP. All work shall be completed in a professional manner in accordance with the guidance and approval of the County.

**SECTION TWO  
EMPLOYMENT STATUS AND COMPENSATION**

- 2.1** Consultant shall be an independent contractor under this Agreement and as such, shall be solely responsible for all taxes associated with compensation paid to Consultant, including all taxes and professional license fees.
- 2.2** County shall pay Consultant up to \$94,500 for services rendered pursuant to this Agreement for completion of all services specified in the RFP Response which is part of this Agreement.
- 2.3** County shall pay Consultant for services performed on a monthly basis within fourteen (14) calendar days after receiving said invoice.
- 2.4** After completion of the work specified in this Agreement, County and Consultant may agree for Consultant to perform additional work in accordance with the hourly compensation as specified in the RFP and as approved by an amendment to this Agreement.

**SECTION THREE  
EFFECTIVE DATE, DURATION OF AGREEMENT**

- 3.1** This Agreement shall be effective upon execution by the parties hereto and shall continue until Consultant has provided the services more fully specified in its Response to the County RFP. It is anticipated that the work will be completed by May 31, 2018.

**SECTION FOUR  
INDEMNIFICATION AND INSURANCE**

- 4.1** Indemnity. Consultant will indemnify, defend and hold harmless County and its agents, directors, officers and employees from and against all suits, losses, damages, causes of action or claims (including attorneys' fees and costs) that may be based on any injury to persons or property that is the result of a breach of any obligation in this Agreement or an error, omission or negligent act of Consultant or any person employed by Consultant or acting on Consultant's behalf.
- 4.2** Insurance. Consultant shall procure and pay for general liability insurance for the purpose of funding any indemnity required under Subsection A of this section.

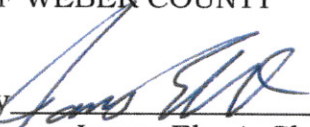
**SECTION FIVE  
MISCELLANEOUS PROVISIONS**

- 5.1** Amendments. This Agreement may only be amended in whole or in part at any time by the Parties by a written amendment approved and signed by all Parties in the manner provided by law.

- 5.2 Authorization. The individuals signing this Agreement on behalf of the Parties confirm that they are the duly authorized representatives of the Parties and are lawfully enabled to sign this Agreement on behalf of the Parties.
- 5.3 Captions and Headings. The captions and headings herein are for convenience of reference only and in no way define, limit or describe the scope or intent of any sections or provisions of this Agreement.
- 5.4 Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one of the same instrument.
- 5.5 Effective Date. This Agreement shall become effective immediately upon the execution of this Agreement by all parties hereto.
- 5.6 Entire Agreement. This Agreement shall constitute the entire Agreement by and among the Parties.
- 5.7 Governing Law. This Agreement shall be governed by and construed in accordance with the applicable laws of the United States and the State of Utah.
- 5.8 No Third Party Beneficiaries. This Agreement is not intended to benefit any party or person not named as a party specifically herein, or which does not later become a signatory hereto as provided herein.

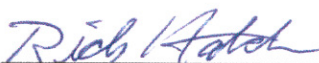
APPROVED AND EXECUTED this 13<sup>th</sup> day of June, 2017.

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By   
James Ebert, Chair

Commissioner Ebert voted	<input checked="" type="checkbox"/>
Commissioner Gibson voted	<input checked="" type="checkbox"/>
Commissioner Harvey voted	<input checked="" type="checkbox"/>

ATTEST:

  
Ricky Hatch, CPA  
Weber County Clerk/Auditor



THE DICIO GROUP

By Sasha Clark  
Its Partner at the Dicio Group

Ce-1-17